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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,151	03/15/2001	Bryan L. Turbow	MY-002	5394

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EXAMINER

KLINGER, SCOTT M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,151

Applicant(s)

TURBOW, BRYAN L.

Examiner

Scott M. Klinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-14 are pending.

Applicant is advised that should claim 1 be found allowable, claim 7 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Priority

No claim for priority has been made. The effective filing date for subject matter in the application is 15 March 2001.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The system of claim 14 does not define how many computers are in the system, it is unclear as to what is included in changing the number of computers in a system with a plurality of computers.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 2, 5, 6, 7, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hagirahim et al. (U.S. Patent Number 6,751,218, hereinafter "Hagirahim"). Hagirahim discloses a method and system for ATM-coupled multicast service over IP networks. Hagirahim shows,

In referring to claims 1 and 13,

- A first user equipment connected to the first computer, the first user equipment being adapted to receive data transmission from the first computer and to add an entity address to the data transmission that identifies the second computer:

Hagirahim, Fig. 6 shows a first user equipment connected to a first computer: *"One of the ATM passageways includes a customer B with ATM address ATM_3 connected to an ADSL RG 201"* (Hagirahim, col. 7, lines 47-48)

- A second user equipment connected to the second computer, the second user equipment being adapted to receive data transmission with the entity address and direct the data transmission to the second computer:

Hagirahim, Fig. 6 shows a second user equipment connected to a second computer: *"Another of the ATM passageways includes a customer A, and a client A with ATM address ATM_2, each connected to an ADSL RG 201."* (Hagirahim, col. 7, lines 51-53)

- A shared, private backbone in functional communication with the first user equipment and the second user equipment and adapted to be in functional communication with another entity's user equipment:

Hagirahim, Fig. 6 shows private backbone 11 in communication with a the first and second user equipment as well as entity 221

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- A translator system in functional communication with the private backbone and being adapted to receive the data transmission with the entity address via the shared, private backbone and translate the entity address into a private address:

Hagirahim, Fig. 6 shows a translator 31; Hagirahim, Fig. 1 shows the lookup table 61 for translating addresses

- A switch and router array system comprising a plurality of entity dedicated channels, being in functional communication with the translator system, and being adapted to receive the private address data transmission from the translator, direct the private address data transmission through an appropriate entity dedicated channel based on the private address, and return the private address data transmission to the translator system, wherein the translator system translates the private address of the data transmission into the entity address and directs the data transmission to the shared, private backbone for transmission to the second user equipment:

Hagirahim, Fig. 1 shows a switch and router system, Hagirahim, Fig. 6 shows translator 31, which translates between entity addresses and private addresses: *"The three addresses recognized by the controller 31 serve for three cases. Case 1 constitutes a point-to point call, case 2 a multicast-to-hosts call, and case 3 a host-to-multicast call."* (Hagirahim, col. 3, lines 1-4)

- An xDSL system between the first user equipment and the shared, private backbone or the second user equipment and the shared, private backbone:

Hagirahim, Fig. 6 shows an xDSL system 201, 211 in between the first user and the backbone

In referring to claims 2,

- The first user equipment comprises a router, bridge, or modem; the second user equipment comprises a router, bridge, or modem: The use of modems are inherently implied in a DSL system

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In referring to claims 5,

- The translator system and the switch and router system is combined into a single system:
Hagirahim, Fig. 1 shows the backbone 11 and translator 31 act as a single system

In referring to claims 6,

- Another xDSL system, wherein the xDSL system is between the first user equipment and the shared, private backbone and the another xDSL system is between the second user equipment and the shared, private backbone:
Hagirahim, Fig. 6 shows an xDSL system in between the first user and the backbone and an xDSL system in between the second user and the backbone

In referring to claims 7,

- The entity has a plurality of computers and user equipment:
An entity with a first computer connected to a first user equipment and a second computer connected to a second user equipment means that the entity has a plurality of computers and user equipment

In referring to claims 14,

- A private enterprise system modification process comprising the steps of providing the private enterprise network system of claim 7, changing the number of the plurality of the computers in the private enterprise system:
The system of Hagirahim is scalable to include any number of a plurality of computers

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagirahim in view of Cisco (Cisco product bulletin no. 1120). Although Hagirahim shows substantial features of the claimed invention, Hagirahim does not show the switch and router array system comprises a universal access concentrator. Nonetheless this feature is well known in the art and would have been an obvious design choice in the system disclosed by Hagirahim as evidenced by Cisco.

In analogous art, Cisco discloses a universal access concentrator. Cisco shows a switch and router array system can comprises a universal access concentrator. (Cisco, pages 1-3)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of implementing the system of Hagirahim so as to use a universal access concentrator, such as taught by Cisco, in order to deploy value added services.

Claims 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagirahim.

In referring to claim 4, although Hagirahim shows substantial features of the claimed invention, Hagirahim is silent as to the exact layout of the switch and router array system. Hagirahim does not explicitly show the switch and router array system is enabled to handle media translation, security policies, circuit aggregation, or intranet routing. Nonetheless these features are well known in the art and would have been obvious implementations of the system disclosed by Hagirahim.

It is well known that router access lists can be modified to block packets to and from different IP addresses and subnets, thereby incorporating a security policy. Restricting transmission of data between computers is one of the functions of switch and router systems. A person of ordinary skill in the art would have readily recognized the desirability and advantages of implementing the system of Hagirahim so as to implement a security policy, in order to restrict transmission of data between specific network nodes.

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In referring to claim 8, although Hagirahim shows substantial features of the claimed invention, Hagirahim does not explicitly show restricting transmission between the first and second computers. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Hagirahim.

It is well known that router access lists can be modified to block packets to and from different IP addresses and subnets. Restricting transmission of data between computers is one of the functions of switch and router systems. A person of ordinary skill in the art would have readily recognized the desirability and advantages of implementing the system of Hagirahim so as to restrict transmission of all data between the first and second computer, in order to prevent unauthorized access.

In referring to claim 9, although Hagirahim shows substantial features of the claimed invention, Hagirahim does not explicitly show a core asynchronous transfer mode switch between the shared, private backbone and the translator system. Nonetheless these features are well known in the art and would have been an obvious modification to the system disclosed by Hagirahim.

In order to send data from the first computer to the translator, it would be necessary for the data to be routed to the translator. A person of ordinary skill in the art would have readily recognized the desirability and advantages of implementing the system of Hagirahim so as to use a core asynchronous transfer mode switch between the shared, private backbone and the translator system, in order to deliver the data to the translator system.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagirahim in view of Antur et al. (U.S. Patent Number 6,212,558, hereinafter "Antur").

In referring to claim 10, although Hagirahim shows substantial features of the claimed invention, Hagirahim does not show a network address translation and proxy system in functional communication with the shared, private backbone and with a public global computer

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system. Nonetheless this feature is well known in the art and would have been an obvious design choice in the system disclosed by Hagirahim as evidenced by Antur.

In analogous art, Antur discloses a method and apparatus for configuring and managing firewalls and security devices. Antur shows a network address translation and proxy system in functional communication with a shared, private backbone and with a public global computer system: Antur, Fig. 2

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of implementing the system of Hagirahim so as to use a firewall between the private backbone and the Internet, such as taught by Antur, in order to protect the private backbone from untrusted networks.

In referring to claim 11, although Hagirahim in view of Antur shows substantial features of the claimed invention, Hagirahim in view of Antur does not explicitly show restricting transmission between a user and the Internet. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Hagirahim in view of Antur.

It is well known that router access lists can be modified to block packets to and from different IP addresses and subnets. Enabling a switch and router system to restrict transmission of all data between the first computer and the second computer is a matter of design choice. A person of ordinary skill in the art would have readily recognized the desirability and advantages of implementing the system of Hagirahim in view of Antur so as to restrict transmission of all data between the Internet and a user, in order to prevent unauthorized access.

In referring to claim 12, Hagirahim in view of Antur shows,

- Another entity is in functional [communication] with the shared, private backbone:

Hagirahim, Fig. 1 shows multiple entities in communication with the private backbone

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger
Examiner
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